

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,  
*Plaintiff,*

v.

HANNAH C. DUGAN,  
*Defendant.*

Case No. 2:25-CR-89

**MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF**  
**BY THE CENTER FOR AMERICAN RIGHTS**  
**IN SUPPORT OF PLAINTIFF UNITED STATES OF AMERICA**

The Center for American Rights respectfully moves this Court for leave to file an amicus curiae brief in opposition to Defendant Hannah Dugan's motion to dismiss the indictment (ECF 15, 21). Pursuant to Criminal Local Rule 12 and General Local Rule 7 of the Eastern District of Wisconsin, and in accordance with federal practice governing amicus filings, the Center submits this motion.

**GROUND FOR THE MOTION**

- **Interest of Amicus Curiae:** The Center for American Rights is a Chicago-based non-profit, non-partisan, public-interest law firm dedicated to promoting media integrity, education freedom, and government accountability. The Center frequently submits amicus briefs in federal courts on issues core to its mission, including cases involving government accountability and the prevention of abuse of power. This case directly engages the Center's mission by addressing whether a state court judge can be held accountable under

federal law for actions that allegedly obstruct federal immigration enforcement proceedings. The Center has a particular interest in ensuring that public officials, including judges, are held accountable for actions that exceed their authority and undermine federal law enforcement efforts.

- **Relevance and Utility of the Amicus Brief:** The proposed amicus brief provides a focused analysis of why Defendant’s motion to dismiss should be denied, emphasizing that the indictment does not “break new ground” but follows the precedent set by *United States v. Richmond Joseph*, 2020 WL 4288425 (D. Mass. July 27, 2020), *aff’d for lack of jurisdiction*, 26 F.4th 528 (1st Cir. 2022). The brief addresses Defendant’s arguments on judicial immunity and Tenth Amendment violations, drawing on *Richmond Joseph*’s thoughtful reasoning to demonstrate that the alleged conduct—facilitating a defendant’s evasion of federal agents—is neither judicially immune nor protected by federalism principles. The brief also responds to the opposing amicus brief of 138 former state and federal judges (ECF 22-1), countering claims that prosecution threatens judicial independence or violates the anti-commandeering doctrine.
- **Neutrality and Independence:** The Center has no financial or proprietary interest in the outcome of this case and is not affiliated with any party. No counsel for any party authored the brief in whole or in part, and no person or

entity other than the Center or its counsel made a monetary contribution to its preparation or submission. The Center acknowledges the research and drafting assistance of Kevin Zielinski, a Southern Illinois University Law School Class of 2025 student, as noted in the brief.

- **Procedural Compliance:** The Center has sought consent from both parties, as contemplated by Fed. R. App. P. 29(a)(2). The United States stated that it did not oppose the Center's filing this motion. The Defendant stated that it did not object to the Center's motion. The brief includes a statement that no party or third party funded its preparation. The brief is submitted contemporaneously with this motion for the Court's consideration.
- **No Delay or Prejudice:** The filing of this amicus brief will not delay proceedings or prejudice any party. The brief is timely, filed on the same day that the United States' response to the motion is due, such that the Defendant can address any points she wishes to cover in her reply brief.

## **RELIEF REQUESTED**

For the foregoing reasons, the Center for American Rights respectfully requests that this Court grant leave to file the accompanying amicus curiae brief in support of the United States.

Respectfully submitted,

/s/ Daniel R. Suhr

Daniel R. Suhr  
Center for American Rights  
1341 W. Fullerton Ave., Suite 170  
Chicago, Illinois 60614  
dsuhr@americanrights.org  
414.588.1658

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